IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 14TH NOVEMBER 2006 / 23RD KARTHIKA 1928

WP(C).No. 12704 of 2004(K)

PETITIONER:

VALSAMMA JACOB, HSA.ST.GEORGE HIGHER SECONDARY SCHOOL, KATTAPPANA, IDUKKI DISTRICT.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS SECRETARY, GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR GOVERNMENT EXAMINATIONS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER NO.K.DIS 415/93/EX DTD. 15-2-99 ISSUED BY THE SECOND RESPONDENT.**
EXT.P2	**TRUE COPY OF THE PAGES 2 AND 3 OF THE CORRECTED S.S.L.C. BOOK OF THE PETITIONER.**
EXT.P3	**TRUE COPY OF THE APPLICATION DATED 9-8-99 SUBMITTED BY THE PETITIONER.**
EXT.P4	**TRUE COPY OF THE ORDER NO.1317-A1-2000 G.P.DO DATED 10-03-00 ISSUED BY THE FIRST RESPONDENT.**
EXT.P5	**TRUE COPY OF THE ORDER NO.1932-A1-2003- G.E.EDN. DATED 30-1-03 ISSUED BY THE FIRST RESPONDENT.**
EXT.P6	**TRUE COPY OF THE G.O.(MS)3972/PD DATED 22-1-72.**
EXT.P7	**TRUE COPY OF THE G.O.(MS)NO.123/75/PD DATED 16-06-1975.**
EXT.P8	**TRUE COPY OF THE G.O.(P)NO.45/91/P& ARD DTD. 30-12-1991.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.C.No.12704 OF 2004

Dated this the 14th day of November,2006.

JUDGMENT

Petitioner entered service as Aided School Teacher on 05-06-1984. According to her, the actual date of her birth is 18-01-1953. But in her S.S.L.C. book her date of birth was mistakenly recorded as 06-01-1952. Her application has been rejected vide Ext.P5. Petitioner challenges Exts.P4 and P5 orders and seek a direction to allow her application for correction of her date of birth. Ext.P1 is the order of the Commissioner of Government Examination dated 15/02/99 as per which sanction was given under Rule 3 of Chapter 6 of K.E.R. for correcting the date of birth in the school records. Ext.P8 is an order dated 13/08/91. As per the same the Government have ordered that application for correction is to be made within five years of entry in service and in the case of those who have already crossed this limit, one year time from the date of Ext.P8 order is allowed to file application. It is specifically ordered in Ext.P8 that the conditions for such application in the case of those who have attended a school shall be supported by attested copies of S.S.L.C./ S.S.C. Book or extract of school record as corrected and that mere correction of date of birth in the school record does not entitle the employee for consequential correction of date of birth in Service Book, will remain unchanged.

2. In this case though petitioner has given application on 27-12-1992 it was accompanied by the school records as corrected. Ext.P1 is dated 15/02/99 by which sanction was given for correction in the school records in the year 1999. Clearly petitioner's application dated 27-12-1992 was not in the prescribed form. Petitioner has a case that as far as aided school teaches are concerned Ext.P8 order was made applicable only in the year 1999. I do not see any merit in the contention. Rule 28 of Chapter XIV A of K.E.R. deals with correction of date of birth. It clearly provides that Ext.P8 order has to be followed and that the conditions stipulated therein is applicable to the aided school staff. It is added by G.O.(P) dated 22-03-99. It is published on gazette on 22-03-1999. It has effect from 30-12-1991. In such circumstances it is not open to the petitioner to contend that the stipulation in Ext.P8 became applicable to the aided school only in the year 1999. If the stipulation was treated as applicable with effect from 30-12-1991 certainly the application filed by the petitioner as on 27-12-1992 cannot be treated as valid. By the time it was re-submitted, it is clearly hopelessly barred by time. I find that petitioner is not therefore entitled to get any relief in this writ petition. Therefore the writ petition is dismissed.

K.M.JOSEPH.
JUDGE.

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